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| BEYER WEAVER & THOMAS LLP | | | LONSBERRY, HUNTER B | |
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2611

DATE MAILED: 06/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/203,223

Applicant(s)

KANUNGO, RAJESH

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

The previous 35 U.S.C. 112 rejections of the previous office action have been withdrawn due to the new claim limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 4-9, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,163,316 to Killian in view of Realmedia Overview and Realpublisher webpages.

Regarding claim 1, Killian discloses a Java enabled television system which utilizes Java applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the Java applet receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21), and calls via the applet the necessary API functions to control the display of video data on a web page, Internet information and television broadcasts may be displayed in two separate displays areas within the display of television 40,

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alternatively they may be overlaid, moved, sized, blended, merged or manipulated via a java applet (column 5, lines 11-50). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as Java objects are essential for both the creation and operation of a Java applet and the communications of the applet with the hardware and software which it is being run on. Killian does not disclose the use of an applet where the video data is displayed separated from the non-video content of a web page.

RealPublisher and Realmedia Overview disclose the use of the Realplayer plugin application, which may be embedded in an html page, or may be displayed separate from the web page, video content is player within the player (entire documents).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of Killian to control the video in a separate window from the webpage as taught by Realpublisher and Realmedia thus enabling a content author to customize a page to make it atheistically pleasing.

Regarding claims 2 and 12, Killian discloses a Java enabled TV system in which switching between TV and video input is controlled by a Java applet (column 4, lines 20-24, column 6, lines 77-31, column 7, lines 25-32).

Regarding claim 4, Killian discloses that the Java enabled TV system can turn the video on and off (column 6, line 60-column 7, line 7).

Regarding claim 5 and 14, Killian discloses that the Java enabled TV system can change the channel (column 13, lines 44-51).

Regarding claims 6 and 11, Killian discloses a Java enabled television system which utilizes Java applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the applet is created and run on processor 8 (Figure 1, column 3, lines 12-18) the Java applet receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21) from buttons pressed on remote control 42, and calls via the applet the necessary API functions to control the display of video data on a web page on the TV/receiver hardware (column 6, line 60-column 7, line 7), Internet information and television broadcasts may be displayed in two separate displays areas within the display of television 40, alternatively they may be overlaid, moved, sized, blended, merged or manipulated via a java applet (column 5, lines 11-50). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as Java objects are essential for both the creation and operation of a Java applet and its communications with the hardware and software which it is being run on.

Killian does not disclose the use of an applet where the video data is displayed separate from the non-video content of a web page.

RealPublisher and Realmedia Overview disclose the use of the Realplayer plugin application, which may be embedded in an html page, or may be

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displayed separate from the web page, video content is player within the player (entire documents).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of Killian to control the video in a separate window from the webpage as taught by Realpublisher and Realmedia thus enabling a content author to customize a page to make it atheistically pleasing.

Regarding claim 7 Killian discloses a Java enabled television system which utilizes Java coded applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the applet is created and run on processor 8 (Figure 1, column 3, lines 12-18), receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21) from buttons pressed on remote control 42, and calls via the applet the necessary API functions to control the display of video data on a web page on the TV/receiver hardware (column 6, line 60-column 7, line 7), Internet information and television broadcasts may be displayed in two separate displays areas within the display of television 40, alternatively they may be overlaid, moved, sized, blended, merged or manipulated via a java applet (column 5, lines 11-50). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as a Java objects are essential for both the creation and operation of a Java applet and its communications with the hardware and software which it is being run on.

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Killian does not disclose the use of an applet where the video data is displayed separated from the non-video content of a web page.

RealPublisher and Realmedia Overview disclose the use of the Realplayer plugin application, which may be embedded in an html page, or may be displayed separate from the web page, video content is player within the player (entire documents).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of Killian to control the video in a separate window from the webpage as taught by Realpublisher and Realmedia thus enabling a content author to customize a page to make it atheistically pleasing.

Regarding claim 8, Killian discloses a Java enabled television system which utilizes Java applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the Java applet receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21), and calls via the applet the necessary API functions to control the display of video data on a web page, Internet information and television broadcasts may be displayed in two separate displays areas within the display of television 40, alternatively they may be overlaid, moved, sized, blended, merged or manipulated via a java applet (column 5, lines 11-50). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as Java objects are essential for both the creation and

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operation of a Java applet and the communications of the applet with the hardware and software which it is being run on.

Killian does not disclose the use of an applet where the video data is displayed separated from the non-video content of a web page.

RealPublisher and Realmedia Overview disclose the use of the Realplayer plugin application, which may be embedded in an html page, or may be displayed separate from the web page, video content is player within the player (entire documents).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of Killian to control the video in a separate window from the webpage as taught by Realpublisher and Realmedia thus enabling a content author to customize a page to make it atheistically pleasing.

Regarding claim 9, Killian discloses a Java enabled TV system in which switching between TV and video input is controlled by a Java applet (column 4, lines 20-24, column 6, lines 77-31, column 7, lines 25-32).

Claims 3, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,163,316 to Killian in view of Realmedia Overview and Realpublisher in further view of U.S. Patent 5,594,510 to Sakakibara.

Regarding claims 3, 10, and 13 Killian discloses a Java enabled TV system in which switching between TV and video input is controlled by a Java

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applet (column 4, lines 20-24, column 6, lines 77-31, column 7, lines 25-32). The combined system of Killian and Realmedia Overview/Realpublisher does not disclose a display function for switching between broadcast frequency and cable frequency. Sakakibara discloses in Figure 3, an over the air antenna 34, cable input 35 and a switch 36 (column 2, lines 9-15). Therefore it would have been obvious to one skilled in the art at the time of invention to modify the Java controlled switching apparatus of the combined system of Killian and Realmedia Overview/Realpublisher to accept and switch between both CATV and over the air broadcasts as taught by Sakakibara in order to allow a television view to still watch cable TV programming even if the CATV line goes out of service and to allow for the viewing of stations not carried by a CATV provider.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,005,565 to Legall: Integrated Search of Electronic Program Guide, Internet and Other Information Resources.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HBL



VIVEK SRIVASTAVA
PRIMARY EXAMINER